

Local Rules of the United States Bankruptcy Court for the Western District of Missouri

Rule 1002-2. Complex Chapter 11 Cases

A. Designation of a Complex Chapter 11 Case. A Complex Chapter 11 Case is defined as a case filed in the Western District of Missouri under chapter 11 of the Bankruptcy Code that requires special scheduling and other procedures because of a combination of one or more of the following factors:

1. The need for “first day” emergency hearings for consideration of the use of cash collateral, debtor-in-possession financing, and other matters vital to the survival of the business;
2. The size of the case (usually total debt of more than \$5 million or more than \$2 million in unsecured non-priority debt);
3. The large number of parties in interest in the case;
4. The fact that claims against the debtor and/or equity interests in the debtor are publicly traded (with some creditors possibly being represented by indenture trustees);
5. The need for simplification of noticing and hearing procedures to reduce delays and expense; or
6. Other similar factors.

B. Notice of Designation. If any party filing a chapter 11 bankruptcy petition believes that the case should be classified as a Complex Chapter 11 Case, the party shall file with the bankruptcy petition a Notice of Designation as Complex Chapter 11 Bankruptcy Case **(See Local Form-MOW 1002-2.1)**.

C. Initial Motions and Hearings. The judge who is assigned a Complex Chapter 11 Case shall use best efforts to arrange the judge’s calendar so that the “first day” emergency hearings can be conducted as required by the circumstances, but not more than two (2) business days after the request for emergency “first day” hearings. In the event the assigned judge is unavailable, the Chief Judge and/or other members of the Court shall use best efforts to arrange for such hearings within such time period. Following are examples of recognized first day motions and applications:

1. Motion for Use of Cash Collateral (interim hearing only);
2. Motion for Post-Petition Financing (interim hearing only);
3. Motion to Pay Pre-Petition Employee Wage Claims and Benefits (to the limit provided by § 507);
4. Motion for Joint Administration;
5. Motion to Limit/Set Notice Procedures;
6. Motion to Provide Adequate Assurance to Utilities;
7. Motion to Allow Debtor to Serve Notice of Creditors’ Meeting;
8. Motion to Pay Pre-Petition Trust Fund Taxes;
9. Motion to Honor Pre-Petition Obligations to Customers (to the limit provided by § 507);

10. Motion to vary U.S. Trustee's requirements, such as Motion to Authorize Maintenance of Existing Bank Accounts, Existing Business Forms, Cash Management System, Investment Procedures, etc.;
11. Motion Directing Banks to Honor Pre-Petition Checks;
12. Motion to Reject Leases and Contracts;
13. Application for Temporary Restraining Order filed in connection with an Adversary Proceeding;
14. Motion to Allow Debtor to Pay Certain Pre-Petition Trade Claims; and
15. Motion to Approve Bid Procedures Regarding Sale of Assets.

D. The Clerk's Responsibility. When a party has filed a Chapter 11 case and filed a Notice of Designation as Complex Chapter 11 Bankruptcy Case (**See Local Form - MOW 1002-2.1**), the clerk shall:

1. Immediately confer with the assigned judge about setting hearings on any emergency motions and about issuing the Initial Order (**See Local Form - MOW 1002-2.2**); and
2. If the assigned judge determines that the case does not qualify as a Complex Chapter 11 Case, the assigned judge shall issue an Initial Order Denying Complex Case Treatment. If the assigned judge determines that the case appears to be a Complex Chapter 11 Case, the assigned judge shall issue an Initial Order for Complex Business Bankruptcy Case.